

R E M A R K S

By this Amendment the specification has been amended to include standard topic headings, claim 1 has been canceled, claims 2-4 and 6-11 have been made dependent on claim 12, and the introductory wording claim 13 has been revised. Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1-9 and 11-13 under 35 U.S.C. 102(b) as being anticipated by Fukuda, and he has rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over Fukuda in view of Barnett et al. (newly cited).

These rejections are incorrect!

Fukuda has been summarized and distinguished previously. Relative to claim 12, it was pointed out in the Amendment of April 13, 2009 (pages 7-8) that Fukuda does not disclose a polyaphron dispersion which includes an internal phase formed of at least two liquid phases which are liquid at room temperature and constituting 70 to 95 wt% of the total weight of dispersion. To propose modification of Fukuda such that the internal phase therein, when including at least two liquid phases that are liquids at room temperature, would constitute such a high percentage of the total polyaphron dispersion, would not be obvious. In this regard, the examiner's attention is directed to the concurrently filed Declaration Under 37 C.F.R. 1.132, wherein evidence is provided that if the internal phase in the dispersion of Example 11 in Fukuda (having

liquid phases at room temperature) is increased to 50 wt% from 40 wt%, the dispersion becomes unstable.

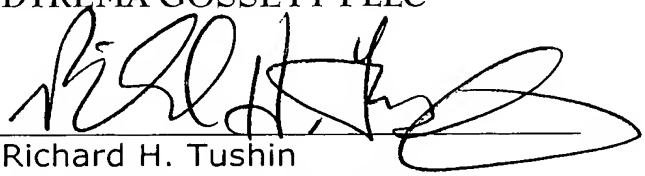
Based on this evidence, the examiner's anticipation rejection based on Fukuda must be withdrawn. And nothing in Barnett et al. would overcome this fundamental deficiency in Fukuda.

Favorable reevaluation of this application is requested.

Respectfully submitted,

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